

## **Summary of IDEM Steering Group Meeting WATER QUALITY RULES, TRIENNIAL REVIEW AND RELATED TOPICS**

### **Introduction:**

On Wednesday, September 24, 2003, IDEM staff met for the seventh time with a cross-section of stakeholders which make up the steering committee to IDEM for the triennial review of the state's water quality standards and related issues. These notes are intended to be a summary of the major points from the meeting held at IDEM's Shadeland offices.

The meeting was called to order by Tim Method. Those in attendance for all or part of the meeting included: Art Umble, Bill Beranek, Eric Fry, John Chavez, Natalie Hurt, Neil Parke, Pam Fisher, Patrick Bennett, Ron Turco and Tim Lohner.

In addition, the following IDEM staff members were present for all or part of the meeting: David Kallander, Dennis Clark, John Nixon, Kiran Verma, Larry Wu, Mary Ann Stevens, Mary Ellen Gray, Martha Clark Mettler, Megan Wallace, Nancy King, Paula Smith and Tonya Galbraith.

### **Summary:**

After welcoming statements and introductions, the workgroup members were asked if they had any changes to the 6/25/03 minutes. There were none.

1. Reports.
  - A. **Mercury.** Tim Lohner reported the workgroup was meeting monthly. After a sixty day first notice period, eleven responses were received. Key issues include: minimize applicant workload; consider revision of mercury water quality criteria; focus on pollution prevention; develop treatment systems that meet applicable limits; address problems that are beyond the control of the discharger; develop a workable compliance schedule; give municipalities more authority to regulate sources of mercury; regulate dentists and hospitals; and, develop multimedia approach to reduce mercury. Tim said the rulemaking would not address mercury criteria. Next steps include the drafting of the proposed rules. According to the workplan, a draft could be ready by the end of the year. A discussion regarding timelines, thresholds and variances followed that included: Tim Lohner, Tim Method, Bill Beranek, Paula Smith, Art Umble, Denny Clark, John Chavez and Eric Fry.
  - B. **Antidegradation/OSRW.** Bill Beranek reported that the workgroup was trying to get to second notice as soon as possible but didn't know when that would be. The workgroup explored different ways to do antidegradation, focusing on regular waters and what triggers an

antidegradation demonstration. The starting point for the draft rule is the 1999 draft second notice. Art Umble added he was delighted IDEM was taking the lead on drafting the language.

- C. ***E. coli***. Ron Turco reported the committee was meeting monthly. Key issues include: primary and secondary contact; criteria for secondary contact; risk levels for primary contact; how do wet weather and *E. coli* mesh together; concerns over lack of scientific data on secondary contact; and, the default for primary contact (eight per one thousand or ten per one thousand). A discussion regarding the default criteria, primary and secondary contract and wet weather included: Ron Turco, Bill Beranek, Denny Clark, John Chavez, Tim Method, Mary Ellen Gray, Neil Parke and Art Umble.
  - D. **Fast Track**. Neil Parke noted his appreciation to MaryAnn Stevens and John Elliott for the mark up document. Key issues include: methodologies for new aquatic criteria; methods for free cyanide for permit limit; site-specific criteria; BCCs (looking for BAF information on dibutyl phthalate); regulatory approval of new and more appropriate analytical methods; use of method used in development of technology-based limit; application of temperature criteria; pollutant minimization language for waste treatment additives; how to calculate WQBELs for WET; new site-specific methodology section for non-Great Lakes; accounting for Alaska rule in site-specific methodologies; and, appropriate TDS, sulfate and fluoride criteria for drinking water intakes. A discussion regarding sulfate criteria, second notice, and a possible third notice included: Neil Parke, Bill Beranek, Denny Clark, Tim Lohner, Patrick Bennett, Tim Method, Dave Kallander, Mary Ellen Gray, MaryAnn Stevens and Nancy King.
- 2. Non-Fast Track issues. Bill Beranek suggested making the antidegradation part narrower. He urged the beginning of the review of the implementation standards. Neil Parke suggested there might be some fine tuning needed on the GLI. Tim Method asked at what point does work begin on these other issues. Neil asked if an option was to put together a strawman rulemaking. Bill indicated that the issues that can move faster should be placed at the front of the line. It was agreed that the agency would put together an outline of what needs to be changed for review by the next meeting.
  - 3. 205(j) Grant. Tim Method announced that the \$149,000 grant was conditionally approved for technical assistance. The agency is looking for input for legitimate, helpful research and ideas to facilitate meetings. Patrick Bennett asked if the technical assistance included sulfates. He noted that in the past, assistance had been provided for environmentalists. He asked if that was what was envisioned. Tim Method responded that that was not necessarily the intent of the grant. Bill Beranek noted that environmental groups in Indiana feel ill prepared to deal with

technical issues. Tim noted the process will be long and invited ideas for targeted assistance. He asked that ideas be sent to either him or Mary Ellen Gray.

4. The steering committee's next meeting was scheduled for Wednesday, January 7, 2004 from 10:00 am to noon at the Indiana Department of Environmental Management, 2525 North Shadeland Avenue, Conference Room C, Indianapolis, Indiana.

### **Post Script**

Since this meeting, Jane Dustin head of the Izaak Walton League of America's Water Quality Committee, passed away. We all mourn her passing and our thoughts and condolences go out to her husband Tom and family. Additional information can be found in a local newspaper article:

<http://www.fortwayne.com/mld/fortwayne/news/local/7386581.htm>